

Amendment No. 1 to SB2062

Kelsey
Signature of Sponsor

AMEND Senate Bill No. 2062

House Bill No. 2111*

by deleting all language after the enacting clause and substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 39-17-432(b), is amended by deleting subdivision (1) and substituting instead the following:

A violation of § 39-17-417, or a conspiracy to violate the section, that occurs on the grounds or facilities of any school, within five hundred feet (500') of or within an area bounded by a divided state or federal highway, whichever is less, and the real property that comprises a public or private elementary school, middle school, secondary school, preschool, child care agency, or public library, recreational center, or park shall be punished one (1) classification higher than is provided in § 39-17-417(b)-(i) for such violation.

SECTION 2. Tennessee Code Annotated, Section 39-17-417, is amended by deleting subsection (k) and substituting instead the following:

(k) A violation of this section or a conspiracy to violate this section where the recipient or the intended recipient of the controlled substance is under eighteen (18) years of age shall be punished from within one (1) sentencing range higher than the sentencing range otherwise appropriate for the person.

SECTION 3. Tennessee Code Annotated, Section 39-17-418, is amended by deleting subsection (d) and substituting instead the following:

(d) A violation of subsections (a) or (b), where there is casual exchange to a minor from an adult who knows that the person is a minor, shall be punished as a felony according to § 39-17-417 and from within one (1) sentencing range higher than the sentencing range otherwise appropriate for the person.

Amendment No. 1 to SB2062

Kelsey
Signature of Sponsor

AMEND Senate Bill No. 2062

House Bill No. 2111*

SECTION 4. Tennessee Code Annotated, Title 8, Chapter 7, Part 2, is amended by adding the following new section:

(a) There is created in eighteen (18) judicial districts the position of alternative sentencing coordinator to be appointed by the district attorney general of the applicable district. The district attorneys general conference is authorized to select which eighteen (18) judicial districts will receive an alternative sentencing coordinator position under this section.

(b) The duties of the alternative sentencing coordinator shall include:

(1) Assessing and maintaining a thorough understanding of the alternative sentencing options available in the judicial district, including an accurate inventory of treatment facilities and space availability;

(2) Developing and maintaining a thorough understanding of drug courts, including participation in training or certification programs approved through the local court and the district attorneys general conference;

(3) Assisting the district attorney in providing education and public awareness of available program and treatment opportunities as directed by the district attorney and in coordination with the district attorneys general conference;

(4) Assessing, after the return of an indictment or presentment, whether an offender's alleged criminal conduct was directly linked to controlled substance abuse;

(5) Identifying offenders who have a willingness and likelihood of successful participation in alternative sentencing, including treatment and other intervention;

(6) Recommending to the district attorney those offenders who should be considered for alternative sentencing; and

(7) Creating and maintaining an up-to-date list of those offenders who receive alternative sentencing.

SECTION 5. Tennessee Code Annotated, Title 8, Chapter 14, Part 1, is amended by adding the following new section:

(a) The district public defenders conference shall establish, and the executive director shall operate, the district public defender appellate division for the purpose of representing indigent persons in direct appeals pursuant to § 8-14-104 in the Tennessee court of criminal appeals and Tennessee supreme court.

(b) The executive director or the executive director's designee shall be the director of the appellate division.

(c) Any assistant district public defender of the appellate division shall be an attorney licensed to practice law in this state. Persons so employed shall serve at the direction of the executive director and shall perform such duties as the executive director may require.

(d) The appellate division shall represent indigent persons upon appeal from the circuit or criminal courts in this state.

(1) The appellate division shall represent indigent appellants pursuant to § 8-14-101.

(2) The appellate division may, however, refuse the appointments where necessary:

(A) Due to a conflict of interest; or

(B) If the executive director determines the existing caseload cannot be increased without jeopardizing the appellate division's ability to provide effective representation.

(e) In order to effectively and efficiently use the resources of the appellate division, the executive director may:

(1) Select and employ staff attorneys to perform the duties prescribed by this section; and

(2) Fill a full-time employee position with two (2) part-time employees. In order to implement such assignments, available funds may be reallocated or transferred subject to overall budgetary limits.

(f) The appellate division shall maintain records of representation of indigent persons for record purposes only.

(g) No person employed as a full-time assistant public defender in the appellate division pursuant to this section shall be permitted to engage in the practice of law except as the duties of such position requires. Notwithstanding any other restrictions, attorneys with pending private legal matters at the time of employment with the district public defender appeals division shall have a reasonable length of time to conclude or transfer such cases in keeping with the standards of professional and ethical conduct.

(h) Effective July 1, 2018, there are authorized five (5) appellate-level attorney positions within the appellate division.

(i) Appellate division attorneys shall be compensated pursuant to § 8-14-107.

SECTION 6. Tennessee Code Annotated, Section 8-14-303(a), is amended by adding the following new subdivision:

() Manage the operations and administer the accounts that relate to the appellate division;

SECTION 7. This act shall take effect July 1, 2018, the public welfare requiring it.